

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

EDDIE SYKES, # R22570,

Plaintiff,

vs.

Case No. 16-cv-01350-DRH

**DOCTOR TROST,
DOCTOR FUENTES,
NURSE PRACTITIONER MOLDENHOUEI
NURSE SMITH,
NURSE WALTER,
NICOLE MORGAN
MISTY THOMPSON,
AMIE LANG,
WEXFORD HEALTH SOURCES, INC.,
GAIL WALLS, and
DOCTOR SHEARING,**

Defendants.

MEMORANDUM AND ORDER

HERNDON, District Judge:

This matter comes before the Court for preliminary review of Plaintiff Eddie Sykes' Complaint pursuant to 28 U.S.C. § 1915A (Doc. 1). Plaintiff has also filed a Motion for Preliminary Injunction (Doc. 2), Motion for Leave to Proceed *In Forma Pauperis* (Doc. 3), and a Motion for Extension of Time (Doc. 4). After carefully reviewing Plaintiff's filings, it is evident that Plaintiff intended to file the instant Complaint and Motion for Preliminary Injunction in a case previously opened in this Court and presently pending before Judge Staci M. Yandle. *See*

Sykes v. Trost, et al., No. 16-cv-1241-SMY (S.D. Ill. November 17, 2016) (“Prior Action”) (Doc. 1). In the Prior Action, the Court received 261 pages of exhibits. (Prior Action, Doc. 4, Doc. 5). However, the Court did not receive a complaint. On November 22, 2016, the Court informed Plaintiff it had not received a copy of the complaint, which the law librarian sent via U.S. mail on November 10, 2016. (Prior Action, Doc. 6). The Court directed Plaintiff, among other things, to file the Complaint on or before December 16, 2016. *Id.* On December 15, 2016, Plaintiff filed a Motion for Extension of Time in the Prior Action. (Prior Action, Doc. 7).¹ In his Motion for Extension of Time, Plaintiff indicates that on November 10, 2016, he filed a 63 page complaint and request for relief. *Id.* Additionally, he states he filed a Motion for Preliminary Injunction. *Id.* Although it is not entirely clear from the Motion for Extension, it appears Plaintiff is not sure where his pleadings are and is seeking additional time to resolve the matter. *Id.*

The Pleadings Plaintiff is describing appear to be the Complaint and Motion for Preliminary Injunction filed in the instant case.² Having fully reviewed the relevant pleadings in the instant action and the Prior Action, the Court concludes the actions are duplicative of one another.

¹ The same motion was filed in the instant action. (Doc. 4).

² The instant Complaint includes a section that is entirely written by hand. (Doc. 1, pp. 15-78). Plaintiff includes handwritten page numbers on this portion of his Complaint. *Id.* The Complaint ends at Plaintiff’s handwritten page number 63 and a request for relief begins on Plaintiff’s handwritten page number 64. (Doc. 1, pp. 78-79). The Complaint is dated November 10, 2016. (Doc. 1, p. 1). Additionally, the Complaint appears to relate to matters asserted in the Prior Action.

Accordingly, the **CLERK** is directed to **CLOSE** this case. All pending motions are hereby **DENIED** as **MOOT**. No filing fee shall be assessed for this action. The **CLERK** is directed to file the Complaint (Doc. 1) and the Motion for Preliminary Injunction (Doc. 2) in *Sykes v. Trost, et al.*, No. 16-cv-1241-SMY (S.D. Ill. November 17, 2016). The Motion for Leave to Proceed *In Forma Pauperis* (Doc. 3) and the Motion for Extension of Time (Doc. 4) are duplicative of motions already pending in the Prior Action and shall not be refiled.

IT IS SO ORDERED.

DATED: December 21, 2016

David R. Herndon



Digitally signed by
Judge David R.
Herndon
Date: 2016.12.21
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**David. R. Herndon
U.S. District Judge**